Secy. H.C.I.—1,000 4-11-49.

P.W (1951) Department.

M/s SERIES.

Close
5 B2

C.O. NO. 1708

Dated 26.4.51

[Despatch Abstract.]

PORTS - Mangalore - Land within Port limits - Renewal for 3rd Jetty in favour of Commonwealth Trust Ltd., Kudroly - Sanctioned.

From
J.M. Baimforth, Esq.,
Presidency Port Officer,
Madras.

To
The Secretary to Government,
Public Works Department,
Madras.

No.3623/51/S.2 Dated, 6-1-1951.

Sir,

Mangalore Port - Land within port limits - 3rd Jetty in favour of the Common Wealth Trust Ltd., Kudroly - Expiry of licence - renewal of - G.O.Ms. No.1184, P.W.(Mar.), dated 16-5-1936.

With reference to the G.O.cited, I have to state that a licence for erecting a 3rd jetty was granted to the Commonwealth Trust Ltd., Kudroly (not Jeppo as stated in the G.O. which was a clerical error) for a period upto 30th November 1942. But the Company failed to renew the licence due to oversight - vide copy of their letter No.G/248, dated 4-12-48 enclosed. However, a sum of Rs.60/- being the rent for a period of six years from 1-12-42 to 30-11-48 at Rs.10/- p.a. was collected and subsequent annual rent for 2 years from 1-12-48 to 30-11-50 at Rs.10 ~~xxx~~.per annum has also been collected by the Port Officer, Mangalore.

2 The District Collector of South Kanara and the Collector of Central Excise, Madras have no objection to the renewal of the licence for the 3rd jetty in favour of the Commonwealth Trust Ltd., Kudroli, Mangalore - para 90(b) of the Madras Port Manual, VI Edition.

3 In the circumstances stated I request the approval of Government for the renewal of a licence to Commonwealth Trust Ltd., Kudroli, Mangalore for a period of 49 years from 1-12-1942.

4 The licence will be issued by me in the form prescribed in G.O.No.2263, Public Works (Marine), dated 20-10-1938 on receipt of approval of Government.

Yours faithfully,

J.M. Baimforth

Presidency Port Officer.

Encls.
Copy of Co.'s letter dated 4-12-48
1 Draft licence and 1 blue print map
(to be kindly returned).

P.S.

P.S.

Copy of letter No.G/248, dated 4th December 1948 from the Group Manager, Commonwealth Trust Ltd., Bunder, Mangalore to the Port Officer, Mangalore.

New Wharf Jetty - O.T.L. Factory, Kudroli.

Your letter No.4055/48-5, dated 26-11-1948 addressed to our Head Office, Calicut has been forwarded to us for our direct attention and we furnish below the information required by you on points 1 and 2.

1. We much regret that since the expiry of licence in respect of the third jetty on 30-11-1942, the licence was not renewed.

2. The dimensions of the third jetty are 18 ft. x 14 ft. 8 in. We require a licence for this jetty from 1-12-1942 and also for the new jetty proposed to be constructed, for a period of 12 years in the first instance.

The above will make a total of 4 jetties on our Kudroli wharf and we would be obliged if you can give this matter early attention such that we can give our craft a quicker "turn round.".

Regarding the third jetty mentioned above we tender our sincere apologies,

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(True copy)

Presidency Port Officer.

PUBLIC WORKS DEPARTMENT

(Marine).

PRESIDENCY PORT OFFICE
4 AUG 1950
MADRAS
MANGALORE

License for Erection of a jetty.

A licence is hereby granted to the Commonwealth Trust Limited, Kudroli Mangalore, to erect a jetty according to the plan hereto attached, on the land, the property of Government forming the foreshore in the Port of Mangalore, of the dimensions and materials and at the place shown in the schedule and the plan hereto attached, and subject to the following conditions.

(a) A sum of Rs. 10/- shall be payable by the licensee annually, in advance, from the date of this licence.

(b) The jetty shall be constructed by the licensee within 6 months from the date of this licence to the entire satisfaction of the Presidency Port Officer.

(c) The jetty shall be maintained by the licensee in good and substantial repair to the satisfaction of the Presidency Port Officer; and it shall not be extended or altered in any way without the previous sanction of Government.

(d) When so required by Government the licensee shall remove the jetty and vacate its site within 3 months after receiving notice in writing, and shall not erect any other jetty or structure on any part of such foreshore without the previous further sanction of Government.

(e) In the event of delay or default in such erection and completion, or of any breach of any of the above terms, the Government may cancel this license and assume control of or otherwise dispose of all or any part of the jetty that may have been constructed, as well as the site thereof; and the licensee shall have no right to compensation and no right in the land in consequence of erections made therein.

(f) This licence, unless otherwise cancelled, shall remain in force for a period not exceeding 49 years from 1st December 1942.

Schedule

15

Dimensions of the jetty 20'x10'. Jetty to be built of mild steel girders and wood.

(Signature)

P.W(A)

Opn. No. 285F/57-1 dt. 25.1.57

Subt: Mangalore Port - Land within Port limits - 3rd. Jetty in favour of the Commonwealth Trust Ltd., Kudroli, Renewal of licence - Proposals.

Ref: From the P.P.O. No. 3623/1/50.2 dt. 6.1.1957.

It is seen from para 1 of the letter cited that the Port Deptt has not taken any action from 1.12.1942 to Dec. 1948 ~~regarding the expiry~~ for renewal of the licence granted to the Commonwealth Trust Ltd. Mangalore in respect of the 3rd. Jetty in question. or levy the cost of original rent for such years. The P.P.O is requested to state whether any system is followed in the Deptt for watching the expiry of licences etc. He is also requested to state what action he has taken on the subordinates concerned for their negligence.

2. The dimensions of the 3rd. Jetty, specified in para 2 of the letter of the Commonwealth Trust Ltd dt 4.12.48 are 18 ft. x 14 ft. 8 inches, whereas the dimensions according to the plan enclosed with his letter cited are 20 ft. x 15 ft. The P.P.O is requested to explain the discrepancy.

3. In their letter dt 4.12.1948, Messrs Commonwealth Trust Ltd., Mangalore have stated that they require a licence for the 3rd. Jetty for a further period of 12 years whereas the recommendation of the P.P.O is that the licence should be renewed for a further period of 49 years from 1.12.1942. He is requested to explain the reasons for his recommendation.

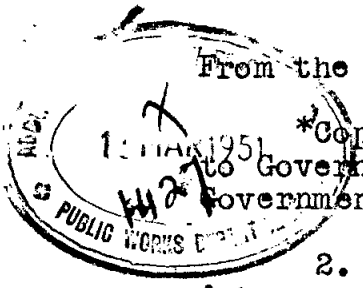
4. ~~Messrs Commonwealth Trust Ltd~~, Mangalore want a licence for a new jetty, apparently the fourth jetty marked in the plan. The P.P.O is requested to state ~~what action he has taken on the request. The plan is returned to the P.P.O for reference.~~

16.1.57 Key 28.1.57

To The P.P.O (with one plan)

No.3623/G/50-5. Presidency Port Office,
Madras, 12-3-1951.

From the Presidency Port Officer, Madras.



*Copy together with its enclosure forwarded to the Secretary to Government, Public Works Department, Madras with reference to Government Memo No.285 F/51-1, P.W., dated 25-1-51.

2. The Port Officer, Mangalore has been asked to issue a 'show cause notice' with reference to rule 15(a) of the Madras Civil Service (Classification, Control & Appeal) Rules to Sri C. Maheschandra, the Wharf Supervisor responsible for the negligence in the matter and to forward this Wharf Supervisor's explanation to me for further action.

3. A Circular has this day been issued to all Port Officers Port Conservators and Assistant Port Conservators to the effect that a register of demands should be kept in each Port Office to show in respect of all items of revenue, whether recurring or non-recurring, the assessments and demands made and the progress of recovery, etc. as required by Art. 8, Madras Financial Code, Vol.I and action taken to ensure prompt realisation of all amounts due to the Government.

4. The dimensions of the jetty as shown in the plan enclosed with my letter namely 20 ft. x 15 ft. are the correct ones. It is regretted that this was omitted to be mentioned in myletter.

5. Under clause (d) of the licence - please see the form of licence in Annexure IV (as inserted by I list of corrections, dated 5-4-40) to Chapter IV of the Madras Port Manual - the licensee shall remove the jetty and vacate the site when so required by the Government. Hence in the circumstances explained by the Port Officer sanction may be accorded for renewal of the licence for a period of 49 years from 1-12-42 if approved.

Presidency Port Officer.

*Letter No.125/51-1, dated 26-2-51 from the Port Officer, Mangalore

P.13.

From the Port Officer, Mangalore,
To the Presidency Port Officer, Madras,
No.125/51-1, dated 26-2-51.

Mangalore Port - land within Port limits - 3rd Jetty in favour of M/s. Commonwealth Trust, Ltd., Mangalore - Kudroli - Renewal of licence proposals - P.W.D. Memorandum No. 285F/51-1 dated 25-1-1951 forwarded with Presidency Port Officer's Endt.No.3623 G1/50-3, dated 3-2-1951.

Watching of the expiry of licences etc. is now being attended to by the Shed-clerk systematically with the help of a chart, in which the date of expiry of the licenses and the rent due etc. are duly noted. This list is prepared in the beginning of the year regulating the work to be done for the full year and the progress of the action taken in every matter is carefully noted.

Sri C. Maheschandra, Wharf Supervisor, was in charge of the subject during the year 1942, and afterwards when the particular licence under reference expired and was not renewed.

The actual dimensions of the 3rd Jetty marked on the plan and verified by this office, viz. 20' x 15' is correct. In this connexion a copy of the letter dated 27-6-1950 of the Company confirming the above measurement subsequently is also enclosed herewith for information. It may please be noted in this connexion that the Company's letter No.248 dated 4-12-48 referred to in this office No.5508/49-6, dated 30-1-1950, is superceeded by their letter dated 27-6-1950, a copy of which was not submitted as it was not considered necessary, the correct measurements having been already noted in the blue print itself.

A Licence for the Jetties is usually granted for a period of 49 years and accordingly the licence for the 3rd Jetty in favour of Messrs. Commonwealth Trust, Ltd., was recommended to be granted for a period of 49 years with a view to have uniformity in the period of licences issued at this Port for the constructing of Jetties.

Copy of letter No.G/1130 dated 27th June, 1950 from the Commonwealth Trust, Ltd., Bunder Office, Mangalore to the Port Officer, Mangalore.

Licence - Third Jetty - C.T.L.Tile factory - Kudroli.
Your Memo 1912/50-3 of 21-6-1950.

We return herewith the plans in triplicate forwarded with your above letter after noting therein the measurement of the third jetty which is 20 feet x 15 feet and not 20 feet x 10 feet as shown in your letter.

(True copy)

Presidency Port Officer.

P.13.

13/ P.W(7)

76/2617 Memo No. 285 F/57-2 dt 24.3.57

Sub: Mangalore Port - Land within port limits - 3rd Jetty in favour of the Commonwealth Trust Ltd., Kudroly. Renewal of licence - Proposals.

x.

Ref: From the C.P.O. Endt No. 3623 C1/50-3 dt 12.3.1957.

x.

(Ye) e x r [illegible] 1/c

Though the licences for the construction of jetties are usually granted for a period of forty nine years, it is considered that it is enough if the licence in this case is granted for a period of twelve years as requested by the firm. The C.P.O is requested to offer his remarks on this point.

24/3/57

To

The C.P.O

21.3.57

22/3/57

From
J.M. BALMFORTH, ESQ.,
Presidency Port Officer,
Madras 1.

To
The Secretary to Government,
Public Works Department,
Madras.

No.3623-44/50-b. dated, 3--4-- 1951.

Sir,

Sub:- Mangalore Port - Land within Port limits - 3rd jetty in favour of the Commonwealth Trust Ltd., Kudroly - Renewal of licence - Proposals.

Ref:- Government Memo No.285 F/51-2, P.W., dated 24-3-1951.

With reference to the Government Memo cited, I have no remarks to offer on the proposed grant of licence to the Commonwealth Trust Ltd., Kudroly for a period of 12 years, as requested by the firm.

Yours faithfully,

J.M. Balmforth

Presidency Port Officer.

P.3.

P.W(7)

Sub: PORTS. Mangalore. Land within Port limits. Renewal of licence for 3rd. Jetty in favour of Commonwealth Trust Ltd., Kudroly - Sanctioned.

80/26.4.

19.9.57 Read again: G.O. Ms 1184 P.W(Mgm) dl 16.5.1936

Read also: From the P.S.O. No. 3623 C1/50.2 dl. 6.1.1957

- do - No. 3623 C4/50.6 dl 3.4.57

ORDER 1708 dated 26.4.57 Ms

His the Governor of Madras hereby approves the proposal of the P.S.O to renew the licence granted to ~~Messrs~~ the Commonwealth Trust Ltd., Kudroly for the third jetty at the Mangalore Port for a further period of twelve

in G.O. Ms 1184 P.W(Mgm) dl 16.5.1936

2/

Year from the 1st December 1942. @

@ Apr. 1/...

24.4.51

Apr. 25/4/57

D.P. 25/4
(Seen minutes)

10

The G.O.C
Exam. of W.F. II
2 S/S.

GOVERNMENT OF MADRAS
(ABSTRACT)

PORTS - Mangalore - Land within Port limits - Renewal of licence for Third Jetty in favour of Commonwealth Trust Ltd., Madras - Sanctioned.

Public Works Department.

C.O.Ms.No.1708. dated 26th April 1951.

Read again: C.O.Ms. 1184 P.W.(Marine) dated 16-5-1936.

Read also : From the Principal Port Officer No. 3623 G1/50-2 dated 6-1-1951.

ORDER:

His Excellency the Governor of Madras hereby approves the proposal of the Principal Port Officer to renew the licence granted to the Commonwealth Trust Ltd., in G.O.Ms. 1184 P.W. (Marine) dated 16-5-1936 for the third jetty at the Mangalore Port for a further period of twelve years from the 1st December 1949.

P.Padmanabhan,
SECRETARY TO GOVERNMENT.

To

The Principal Port Officer,
The Examiner of Local Fund Accounts.

True Copy/Forwarded/By Order.

A.C.26.4. Superintendent.

PROCEEDINGS OF THE PRINCIPAL PORT OFFICER, MADRAS.

J.M. Balmforth, Esq.,

No.3623 G1/50-4, dated 15-6-1951.

1951
54635

Short Title: The Madras Port Subordinate Service Category 2 of Class I - Sri C. Maheshchandra, Wharf Supervisor Mangalore - Disciplinary action for negligence in the discharge of his duty.

Read the following:-

1. Letter from the Principal Port Officer, Madras to Government No.3623 G1/50-2, dated 8-1-51.
2. Government Memo No.285 F/51-1, P.W. dated 25-1-51.
3. From the Port Officer, Mangalore No.125/51-1, dated 26-2-51
4. Memorandum of the Principal Port Officer, Madras No.3623 G1/50-4, dated 10-3-51.
5. From the Port Officer, Mangalore No.125/51-4, dated 27-4-51 forwarding the explanation of Sri C. Maheshchandra, Wharf Supervisor.

The case relates to negligence of duty on the part of Sri C. Maheshchandra, Wharf Supervisor, Mangalore, in that he failed during his term of office in December 1942 and subsequently too till the middle of 1946 to detect and report to the Port Officer, Mangalore the unauthorised occupation of port land by the Commonwealth Trust Ltd., Mangalore by their action in continuing their jetty (3rd Jetty) at Kudroly, Mangalore the licence for which expired by the 30th November 1942. This resulted in non-realization of annual rent for this jetty from December 1942 to December 1948 and also in non-renewal of the licence granted to Commonwealth Trust in respect of the jetty.

The Port Officer, Mangalore under my instructions, issued a show cause notice to Sri C. Maheshchandra with reference to rule 15(a) of the Madras Civil Services (Classification, Control and Appeal) Rules for his negligence of duty and submitted to me the explanation of the Wharf Supervisor.

In his explanation dated 28-5-51 Sri Maheshchandra contends that the omission on his part to notice the existence of the jetty and to collect rent therefor since December 1942 was due to the fact that the location of the jetty (3rd Jetty) of the Commonwealth Trust Ltd., was erroneously stated to be at "Jeppo" in G.O.Ms.No.1134, P.W. (Marine) dated 16-5-1936. He further affirms that he was inspecting the jetties and other occupations at Kudroly in order to detect whether there were any violations of the conditions of the licences granted therefor. These explanations are far from convincing as during his inspection rounds on outdoor duty, he should have noticed the existence of this particular Jetty (3rd Jetty) at Kudroly as an unauthorised occupation and made enquiries about it or verified from office records particulars relating to its existence and submitted a report to Port Officer, Mangalore then and there. This he has clearly failed to do leading to delay in realisation of jetty rent and renewal of its licence.

ORDER: The explanation offered by Sri C. Maheshchandra, Wharf Supervisor, Mangalore is not at all satisfactory as he could not fail to notice a jetty of which he should be familiar within port limits. I consider him guilty of the charge of negligence in not reporting to the Port Officer about the ~~an~~ unauthorised occupation and he is accordingly censured.

J.M. Balmforth
Principal Port Officer.

To the individual.
Copy to the Port Officer, Mangalore w.r.t. his endt.No.125/51-4, d.27-4-51. A copy of these proceedings duly attested should be kept in the personal file of the Wharf Supervisor.

Copy submitted to the Secretary to Government, Public Works Department, Madras with reference to para 2 of this office endt.No.3623 G1/50-5, dated 12-3-51.

Copy to the Office Order Book.

P.W(7)

Submitted for perusal.

Attention is invited to para 2 of the ROPs cited and G.O. Ms.No. 1708 P.W.D. dated 26.4.57. No further action is necessary. This may be noted with G.O. Ms.No. 1708 dated 26.4.57.

[C.No. 285 F/51] P.W.

Subt: Mangalore Port - Land within the limits - 3rd. Jetty in favour of the Commonwealth Trust Ltd, Kudroly - Renewal of licence - Proposal.

*

Ref: From the P.B.O. No. 3623 G1/50. 2 d/6.12.51

*

To A.S.

The proposals of the P.B.O on p 1 c/f may be perused. He requests the approval of the Govt to the renewal of the licence granted to the Commonwealth Trust Ltd. Mangalore for the 3rd. Jetty constructed by them for a period of 49 years from 1.12.1942. The following remarks seem called for on the P.B.O's proposals:-

(1) The licence granted to the Commonwealth Trust Ltd. Mangalore for the construction of the third jetty expired on 1.12.1942. The Company failed to renew the licence for further period due to oversight. No action seems to have been taken by the Port Deptt during the period from 1.12.1942 to December 1948. This is also ~~due to~~ apparently due to the oversight on the part of the Port authorities. The P.B.O may be asked to state whether there is any system by which the expiry of the licences can be watched and what action he has taken on the officials concerned for their negligence;

(2) It is seen from para 2 of the letter from the Commonwealth Trust Ltd. Mangalore that the dimensions of the third jetty are 18 ft. x 14 ft. 8 inches whereas in the dimensions according to the plan are 20 ft. x 15 ft.; and

(3) Messrs Commonwealth Trust Ltd., Mangalore according to their letter, request a licence for the third jetty only for a further period of 12 years from 1.12.42, whereas the recommendation of the P.B.O. is that the licence should be renewed for a period of 49 years from 1.12.1942; ~~and~~

~~(4) Messrs Commonwealth Trust Ltd, Mangalore~~

~~a licence for the new jetty, apparently the~~ jetty marked in the plan but the P.P.O has ~~not~~ stated anything regarding this jetty.

2. The P.P.O may be consulted on the above points. Draft below is for apptl.

16.1.57
Kurup
29.1.57

28/1/57

NSJ 24/1/57

Issued as memo No. 285F/57.1 dt 25.1.57
From the P.C.O No. 3623 G1/50.5 dt 12.3.57

To AS

The note above, the memo to the P.P.O on pr 7 CF and his reply on pr 9-11 CF may be perused. As regards point (1) on pr 1 ante, no action is necessary in view of paras 2 and 3 on pr 9 CF. As regards point (2) on p 1 ante, the P.P.O has stated that the dimensions of the jetty are 20 ft x 15 ft. As regards point (3) on page 1 ante, the P.P.O has requested the sanction of the Govt for the renewal of the licence for a period of 49 years, in view of Rule 11 ante. Though the licences for the construction of jetties are granted for a period of 49 years, there seems to be no need for granting the licence in this case for that period as the licensee has requested that the licence might be renewed for 12 years only. For orders. Rev. may see for remarks if any.

Have this copy X
Pl. clarify point of the P.P.O
NSJ 21/3/57

19.3.57
BJ
20/3/57

To AS.

Draft submt with ref to X above

P.C.A
21/3/57
BJ
21/3/57

OK
22/3/57

PW(F)

285 F/51.2] 24.3.51
Issued as Orn. No. ~~3623C1/50.6~~] 3.4.51
From the P.W.D No. 3623C1/50.6] 3.4.51

To A.S.

The notes on the 1.2 ante the order of A.S. at X on p.2 ante, the memo to the P.W.D and his reply on the 13.15 cf may be perused. The P.W.D has no objection to the grant of licence to the Commonwealth Trust Ltd for a period of 12 years as requested by them. The file may now be sent to Rev. for remarks if any

The licence may be for 12 years.

P.W.D. 285 F/51.3
6.4.51

5/4/51

6/4/51

Rev.

Rev. Depr

To A.S.

Please see the notes from p.1 ante

2. This Depr may agree with P.W.D that the license may be renewed for 12 years from 1.4.52 and the file may be sent to P.W.D

19/4/51

21/4/51 P.W.D (F)

Rev. No. 28570-A/51-1
23.4.51.

To A.S

A draft order is subd. for approval.

ASSTT. SECRETARY TO GOVERNMENT
28570A
1 APR 1951
A.S.

24/4/51

25/4/51

25/4/51

1 APR 1951
USA